

1887-046 Chancery Causes: Mary Robinson vs. Adm. of A. R. Surgenner &c  
Lee Co.

Orr, Weston, Jayne

CA-Debt  
T-Property

-Deed



To The Honorable John A. Kelly  
Judge of the Circuit Court of  
Lee County Virginia.

The bill of Complaint of  
Mary Robinson, who would re-  
spectfully represent, that heretofore  
to wit on the 11<sup>th</sup> day of October  
1883, your Complainant and her  
son Wm H. Robinson, sold to one  
A. R. Surgenner three certain tracts  
or parcels of land situated in said  
County, and properly described in  
their deed to said Surgenner, dated  
March 10<sup>th</sup> 1884, for the price therein  
mentioned. A copy of said deed  
will be found filed herewith  
as part hereof marked "A". By  
an inspection of which it will  
be seen a lien was and is retained  
therein to secure \$400, part of said  
purchase price. On said first  
named date herein, Oct 11<sup>th</sup> 1883, said  
Surgenner, executed to your Com-  
plainant his bond for said four  
hundred dollars balance of purchase  
money aforesaid, which bears date  
on that day and is made payable  
on or before the first day of  
March 1885. This bond will also



be found herewith filed as part  
hereof marked "B" and is prayed to  
be considered herewith. By an inspec-  
tion of which it will be seen  
upon its face, to be stated it is  
for this same purchase money, and  
also therein agreed to be a lien upon  
said land. No part of this bond  
has ever been paid your Complai-  
ant, but the same remains wholly  
due to her.

Since said sale and conveyance afore-  
said, and the execution of said Bond  
viz: on the day of 1885. The  
said A. R. Surgenner departed this  
life intestate; and James W. Orr has  
qualified and is now the administrator  
of said estate. Said Surgenner left  
at the time of his death, and at the  
present the following children his  
heirs at law viz: James Surgenner  
Stephen S. Surgenner, Jr. (Piz) Mellicum  
Weston, and Susan Weston (formerly  
Surgenner), his wife, James H. Jayne and  
Sarah Jayne (formerly Surgenner), his  
wife, and he the said A. R. Surgenner  
also left a widow Nancy Surgenner.  
At the time said Surgenner died he



left an other living son John Surgenor who only survived his father one or two days and died, intestate and childless leaving his interest in said lands to pass in due course of descent in equal proportions to the other children of said A. R. Surgenor, and their mother the said Nancy in equal proportions. The said John left also a widow, but your complainant is advised she has no right of dower or otherwise in said land as against your complainant—

Your complainant is advised that her said Bond before mention is a superior and paramount lien upon said land, unaffected by the descent cast as aforesaid; and that a court of equity will enforce the same by a sale of so much of said land as may be necessary to pay the same.

To enforce said lien upon said land, and sell so much thereof as may be found necessary to pay the same, is the object of this bill.

The prayer of your complainant therefore is that James W. Orr administrator of the estate of A. R. Surgenor deceased, James Surgenor Stephen S. Surgenor Jr. (Pig) Nancy Surgenor



63 8.32  
 3 4.00  
 2 75-  
 6 15.00  
 \$28.12

P.  
 Mary Robinson

Bill Chy.

James W. Orr admr

1886 Feb Bill filed Sp. 2nd

March Decree nisi Confd

Case for hearing

Mr. Lewis continued

Aug. & Court

1887 Mr. & Court

John Decree

Final

William Weston and Susan Weston his wife  
 James H. Jayne and Sarah Jayne his wife  
 be made parties defendants to this bill  
 and answer its allegations upon oath  
 and upon a hearing said lien be en-  
 forced and so much of said land be  
 sold as may be necessary to pay the  
 same. And for all other further and  
 general relief. May supra issue.  
 A. L. Pridemore  
 for Plff.



To the Honorable John A. Kelly  
Judge of the Circuit Court in Chancery

The separate answer of James  
W. our administrator of the estate  
of A.R. Sargener deceased to a  
<sup>Bill of Complaint</sup> exhibited against him and  
others in your honor's Court, to  
enforce the payment of a certain  
bond therein specified as due  
her for part of the purchase price  
of certain lands lying and being  
in the county, on which she alleges  
there is a vendor's lien.

Your respondent has no  
personal knowledge of the trans-  
action between the said Robinson  
and his <sup>intestate</sup> ~~deceased~~, by which the bond  
here sued on was made to the  
said Robinson, but supposes the matter  
correct, and the money is due her.  
Respondent will state however that  
there is a general creditors bill  
now filed in your honor's Court  
for the purpose of convening all  
the creditors of his <sup>intestate</sup> ~~deceased~~, and  
marshalling the assets both real  
and personal, and ascertaining



The liens on his real estate, their character, magnitude and priorities with a view to a speedy and economical settlement and extinguishment of the liabilities of his <sup>intestate</sup> ~~estate~~, and no decree should be rendered against him in this cause, but that the same should be consolidated ~~with~~ heard with the general creditors bill filed in this court by Wm. E. Burns Executor of W. H. Burns deceased against Respondent and others. Respondent's intestate was and is largely indebted, perhaps about \$12000 <sup>00</sup> His Realty and personally will not amount to much more than that sum, and the greatest economy must be practiced in order to pay intestate debts and expenses of administration.

Respondent therefore, deems it proper and advisable to ascertain all liabilities and assets, to whom due and in whose hands before any of his intestate lands are sold.



Hearing now answered he says  
to be dismissed &c.

J. M. Richmond  
for

admir.

Trujillo

Leaving to wit.

This day personally appeared  
James W. Orr and made oath  
before me the undersigned, that  
the matters and things stated in  
the foregoing answer are, as he  
sincerely believes true, Given under  
my hand March 30<sup>th</sup> 1886.  
J. A. Hyatt C. C.



James W. Orr admr &c.

ans { answer

Mary Robinson



Mary Robinson - - - - - Pff  
against. } Inchy  
James W. Orr, admoe et al. vs. }  
Pff

This cause came on this day to be heard upon the bill of the pff and exhibits filed and answer of defendants and replication thereto, and was argued by Counsel, on consideration whereof and for reasons appearing to the Court; It is adjudged ordered & decreed that the pff recover from James W. Orr administrator of the estate of A.R. Surgenor deceased the sum of four hundred dollars and legal interest thereon from the first day of March 1885; and the Costs of this suit to be taxed by the Clerk; and it is further adjudged that the same is a lien upon the land in the bill and exhibit, "A" mentioned. And unless paid by said or some one for him, then sale shall be made of so much of said land as may be found necessary to pay the same within 30 days from the signing of this decree. But it is further ordered that the whole tract of land mentioned in the bill and exhibit, shall ultimately have to be sold for as many purposes as may be required, and the proceeds to be used to pay the same.



Mary Robinson  
of Decatur

James W. Bradstreet

~~Costs of suit & sale~~ Now it appearing  
from the answer of the defendants that  
the whole of said tract of land will  
ultimately have to be sold. By the Consent  
of parties - It is adjudged ordered  
& decreed, that unless said Orr or some  
one for him shall pay the same within  
20 days from the rising of this Court  
then A. L. Pickens who is <sup>hereby</sup> appointed  
a special Comr for the purpose will  
proceed to sell the whole of said tract  
on a credit of  
~~cost~~ so much as will be <sup>necessary</sup> ~~required~~ to  
pay costs of suit & sale will be  
required to be paid down. He will sell  
on some Court day in front of the Court  
House door. He will take bonds payable  
to himself as Comr. bearing interest from  
date with good personal security. But  
before proceeding <sup>act-</sup> ~~sell~~ he will execute  
Bond in a penalty of \$ Conditions  
as the law requires, and then advertise for  
at least 30 days said sale on the  
front door of the Court House and in  
the neighborhood where the land lies  
setting out time terms & place of sale  
He will report his action to this Court  
at some future term & the cause is con-  
tinued -



This deed made this the 10th day of  
March 1884. by and between Mrs  
Robinson & Mary Robinson of the one  
part, and A. R. Surgenor of the other  
part, all of Lee County Virginia,  
Witnesseth, that for and in considera-  
tion of the sum of One thousand and  
eight hundred dollars, fourteen hun-  
dred dollars part thereof, in hand paid  
the receipt of which is hereby acknowl-  
edged, and four hundred dollars  
the residue evidenced by note,  
the said Mrs Robinson Mary Robinson  
do hereby grant and convey with  
Covenants &c. General warranty  
unto the said A. R. Surgenor, three  
certain tracts or parcels of land  
lying and being in Lee County Vir-  
ginia on Powell's River west of  
Jonesville, containing 100 acres  
more or less, One tract containing  
thirty acres and being the tract  
held by the said Mary Robinson  
as dower in the land of her husband  
E. V. Robinson deceased, another being  
a tract or parcel of land, woodland  
lying on Yellow Branch above  
said A. R. Surgenor's residence  
and also held by said Mary Robinson



as above and the other tract or  
parcel being the interest or shares  
purchased by said Mr Robinson in  
the share of Isaac Debush's heirs in  
the land of Paulsen Debush died, and  
which was assigned to said Isaac De-  
bush's heirs in the partition of said  
Paulsen Debush's land, as lot no. 10  
have and to hold the said tract or  
parcels of land together with the  
appurtenances thereunto belonging  
unto the said Mr Robinson, and  
his heirs forever and a lien is hereby  
retained on said land for the said  
sum of unpaid purchase money.  
Witness the following signatures and  
seals:

Mr Robinson Seal  
Mary Robinson Seal  
mark

State of Virginia }  
County of Lee } ss  
I, William V. Speck an Acting  
Public in and for the County and  
State aforesaid do certify that Mr  
Robinson & Mary Robinson whose  
names are signed to the foregoing  
deed bearing date on the 10th day



of March 1854, this day personally  
appeared before me in my county  
and acknowledged, the said deed  
to be their act and deed for the  
purposes therein mentioned, given  
under my hand and seal this 12<sup>th</sup>  
day of March 1854.

William H. Speake Notary Public  
Virginia Lee County Court Clerk's Office

The 20<sup>th</sup> day of March 1854.

The foregoing deed bearing date March  
18<sup>th</sup> 1854, between Wm Robinson & Mary  
Robinson of the one part, and A. R. Sur-  
gener of the other part, all of Lee  
County Va. was this day filed in  
this office and admitted to record upon  
the certificate of Wm H. Speake a Notary  
Public for Lee County Virginia.

Teste John R. Gibson Clerk.

1 Copy of the Record

Teste John R. Gibson Clerk.



A. R. Surgenor  
From Copy of Lects  
Jm Robinson & Co

Seed Book  
May 20 P. 1844

"A"

See to copy



\$400<sup>00</sup>

On or before the first day  
of March 1885 I bind myself heirs  
OC to pay to Mrs Mary Robinson the  
sum of Four Hundred Dollars it  
being for Balance of Purchase money  
for the Robinson Land and this  
note is intended to remain a lien  
on said Robinson Land untill paid  
Witness my hand and seal this  
the 15 day of October 188<sup>3</sup>


Witness

Myrtle Steeley

A. R. Surgenor (Seal)



Mary Robinson

From  Note \$400.

A. R. Surgenor

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"B."



# THE COMMONWEALTH OF VIRGINIA,

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*James. W. Orr, Administrator  
of the Estate of C. R. Surgenen deceased, James<sup>2</sup> Surgenen  
Stephen<sup>3</sup> S. Surgenen Jr. (Pig) Nancy<sup>4</sup> Surgenen, William<sup>5</sup> Weston  
and Susan Weston his wife, James H. Jayne and  
Sarah<sup>6</sup> Jayne his wife*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

*February* next being rule day to answer a bill in chancery exhibited in our said Court against *them*

by

*Mary Robinson*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This *23<sup>rd</sup>* day of *January* 188*6*, in the *10* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.



CP

Mary Robinson  
vs Spain Choy  
James W. Orr Amicus

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To February Rules 1886.

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Executed by delivering  
office copies of this  
Shd to each of the  
Defendants Jan'y  
27<sup>th</sup> 1886.

J. H. Ewing Deputy  
for R. D. Flanagan S. C. C.

Shoniff \$4.00  
copies C. \$1.00

Jan 27